

**To:** Daly, Carl[Daly.Carl@epa.gov]  
**Cc:** Rothery, Deirdre[Rothery.Deirdre@epa.gov]; Smith, Claudia[Smith.Claudia@epa.gov]; Beeler, Cindy[Beeler.Cindy@epa.gov]; Morales, Monica[Morales.Monica@epa.gov]; O'Connor, Darcy[oconnor.darcy@epa.gov]; Schuller, Jennifer[Schuller.Jennifer@epa.gov]; Sutin, Elyana[Sutin.Elyana@epa.gov]; Logan, Paul[Logan.Paul@epa.gov]  
**From:** Boydston, Michael  
**Sent:** Mon 3/7/2016 3:28:24 PM  
**Subject:** RE: U&O FIP routing for management concurrence

Thanks, Carl. Rick is familiar with the issue, at least. The pitch I'm making to him is that it matter whether we're talking about the criteria, which I agree should be "or," or our finding, which I'd say should be "and." I'm going to argue the point with OGC if needed, but ultimately I'll go with whatever they say and won't slow it down over this.

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Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

**From:** Daly, Carl  
**Sent:** Monday, March 07, 2016 8:12 AM  
**To:** Boydston, Michael <Boydston.Michael@epa.gov>  
**Cc:** Rothery, Deirdre <Rothery.Deirdre@epa.gov>; Smith, Claudia <Smith.Claudia@epa.gov>; Beeler, Cindy <Beeler.Cindy@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>; Schuller, Jennifer <Schuller.Jennifer@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>  
**Subject:** Re: U&O FIP routing for management concurrence

Mike

Thanks for looking at this draft so quickly.

## Ex. 5 - Deliberative Process

I have to talk to Debbie today so I will ask her who she talked to.

Carl Daly 303-312-6416

On Mar 6, 2016, at 3:39 PM, Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)> wrote:

Hi Dee and all -

I've finished reviewing the FIP. I do have a number of comments, but I don't think they require significant rewriting, so I'm hoping you'll be able to incorporate them even though I went beyond the "fatal flaw" mandate. In most cases it will be a simple matter of accepting the edit, if you agree with it. To summarize:

## Ex. 5 - Attorney Client

- I made numerous edits for consistency and typographical cleanup. Not legal fatalities, but I think everything that makes the document clearer ultimately makes it more defensible, so I hope you can accommodate these.
- I made some suggestions for simplifying the citations to docket items. Again, not mandatory, but I think it's clearer with the changes. These and other changes shorten the draft by several pages, which other things equal I think is good. I also significantly revised the citations to the state material at footnote 57. If there are any concerns with these changes, please let me know.

## Ex. 5 - Attorney Client

Thanks, and if you have any questions about the edits I'll be around this week.

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Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

**From:** Rothery, Deirdre

**Sent:** Thursday, March 03, 2016 12:26 PM

**To:** O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Schuller, Jennifer <[Schuller.Jennifer@epa.gov](mailto:Schuller.Jennifer@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Logan, Paul <[Logan.Paul@epa.gov](mailto:Logan.Paul@epa.gov)>

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**Subject:** U&O FIP routing for management concurrence

**Importance:** High

Hi everyone,

As I have mentioned, we are beginning routing of the U&O FIP package. The package will travel from the Air Program to ORC then to OPRA and then to the RAs office. I have dropped the hard copy package off in ORC and am sending this email to folks as an advance copy in case you are too excited to wait for the hard copy to come your way and want to dive into the electronic version. Once we have Shaun's signature, the FIP will travel to OAQPS, OGC, OAR. OAR will transmit the package to OP and then OP will transmit it to OMB. We would kindly ask that your edits focus on fatal flaws at this point, since we are still hoping to finalize this rule late summer and in order to accomplish that, we need to move this package swiftly. Let me know if you have any questions.

Thanks in advance,

Dec

<UO FIP Draft NPR.concurrence version.MB edits 3-6-16.docx>